

ORIGINAL

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

JMP
Ch 11

LEHMAN BROTHERS, ETC, ET AL. Case # 08-013555

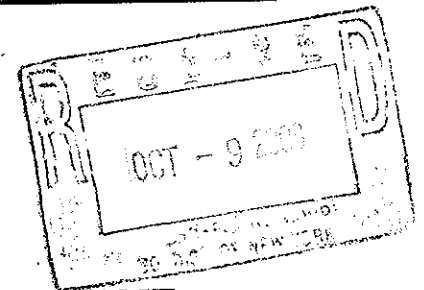
Debtors

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF NANTUCKET)

AFFIDAVIT OF WILLIAM KUNTZ, III

HAVING BEEN DULY CAUTIONED AND SWORN, AFFIANT
DOTH VERILY MAKE THE FOLLOWING OATH TO WHIT:

- 1) THAT I AM PRESENTLY A RESIDENT OF BARNSTABLE
COUNTY, MASS AND FROM TIME TO TIME RESIDE IN
NANTUCKET COUNTY AND AT OTHERS PLACES.
- 2) THAT PRIOR TO TAKING UP RESIDENCE ON CAPE COD
I WAS A RESIDENT OF ESSEX COUNTY, NY.
- 3) THAT ABOUT THE YEAR 1995 I PURCHASED 1 OR MORE
NOTES/BONDS OF THE GRAND UNION CAPITAL CORP AND
THAT DURING THE COURSE OF THE BANKRUPTCY
HELD BEFORE THE HONORABLE PETER J WALSH IN
WILMINGTON, I OPTED OUT OF A SETTLEMENT <Ex A>
BETWEEN THE GRAND UNION COMPANY AND THE



NOTE/BOND HOLDERS OF GRAND UNION CAPITAL.

IT WAS CLEARLY STATED ON THE RECORD IN OPEN COURT BY THE COUNSEL FOR GRAND UNION THAT I WAS REJECTING THE SETTLEMENT AND THAT MY RELATIONSHIP REMAINED IN FULL FORCE AND EFFECT BETWEEN GRAND UNION CAPITAL AND HOLDING ETC. THE SO CALLED ORAL MODIFICATION.

IT IS AFFIANT'S UNDERSTANDING THAT 99.7% OF THE OUTSTANDING ISSUE WAS EXCHANGED FOR STOCK AND WARRANTS IN THE REORGANIZED DEBTOR.

LATER GRAND UNION CAPITAL AND HOLDINGS BANKRUPTCY CASES WERE DISMISSED WITHOUT ANY PLAN BEING CONFIRMED. THEY WERE LATER DISOLVED UNDER DELAWARE LAW. AFFIANT IS UNAWARE OF ANY PAYMENTS TO CREDITORS, ASIDE FROM THE INSIDERS.

AT THIS TIME, THE CAPITAL / HOLDING COMPANIES WERE OPERATED OUT OF RYE, NY. IN WESTCHESTER COUNTY.

AT THE TIME OF THE CREDITORS MEETING THERE WERE BANK ACCOUNTS ETC.

AFFIANT HAS LOCATED CERTAIN OF THOSE FUNDS BEING HELD IN ALBANY AND HAS MAKE A CLAIM ON THEM.

4) AT THE TIME OF THE SETTLEMENT, THERE WAS ESTABLISHED A CASH ESCROW ACCOUNT OF ABOUT \$3.5 MILLION US DOLLARS.

5) LATER, GRAND UNION COMPANY FILED BANKRUPTCY AGAIN IN NEWARK, NJ. THE CASE WAS ASSIGNED TO HON JUDGE NOVALYN L WINFIELD. AFTER THAT, GRAND UNION FILED YET ANOTHER BANKRUPTCY AND IT'S ASSETS WERE LIQUIDATED BY A SALE MOSTLY TO C&S WHOLESALERS OF KEENE, NEW HAMPSHIRE.

6) DURING THE PENDING CASES IN NEWARK, NJ AFFIANT MADE SEVERAL APPEARANCES IN A RELATED MATTER COMMONLY ENTITLED **KUNTZ-VS-IJB SCHRODERS BANK** ON THE SUBJECT OF A NOTE <1 OF 3> WHICH HAD BEEN DELIVERED TO AFFIANT IN STREET NAME WITH AN OPEN ENDORSEMENT BY HIS BROKER, PRUDENTIAL SECURITIES@250 PARK AVE.

7) DUE TO A PROBLEM WITH THE CUSIP NUMBER INSTRUCTION PRUDENTIAL HAD A PROBLEM WITH THIS. AFTER A LOT OF CONSIDERATION AND LOTS OF PAPERS BEING FILED, JUDGE WINFIELD ORDERED THE NOTE RESTORED TO AFFIANT. WHICH WAS DONE AND A

CERTIFIED COPY OF THE ORDER WAS MAILED REGISTERED MAIL TO PRUDENTIALS BACK OFFICE @ 100 GOLD ST. DURING THE COURSE OF THOSE PROCEEDING IN OPEN IT BECAME KNOW, UPON INFORMATION AND BELIEF AND WITHOUT BENEFIT OF A HEARING UPON NOTICE OR ORDER THAT THE CASH ESCROW, BELIEVED NOW TO EXCEED \$5 MILLION WAS PAID OVER TO LEHMAN COMMERCIAL PAPER. AT THAT TIME, WEIL, GOTSHAL WAS CO-REPRESENTING THE DEBTOR GRAND UNION AND AFFIANT RECALLS READING THAT WEIL ALSO REPRESENTED LEHMAN. AFFIANT IS NOT AWARE OF THIS DISCLOSURE MADE AT THE TIME OF WEIL'S ENGAGEMENT IN THE GRAND UNION MATTER. AFFIANT FURTHER RECALLS THAT PAUL BASTA, ESQ WAS TH LEAD ATTORNEY FOR WEIL IN THE NEW JERSEY CASE BUT HAS SINCE LEFT WEIL.

8) PRUDENTIAL THEN BECAME WACHOVIA. IN A REMARKABLE DISPLAY OF IGNORANCE, WACHOVIA 'LOST' THE SECURITY OUT OF IT'S COMPUTER SYSTEM. UNDER THE TERMS OF THE NOTES, INTEREST BEGAN ACCRUING @ 15% INTEREST.

9) WITHOUT HAVING TO RESORT TO FURTHER ASSISTANCE FROM NEWARK, AFFIANT COMMENCED A SMALL CLAIMS ACTION IN DISTRICT COURT ON NANTUCKET TO DEFRAY THE COST OF REPLACING THE LOST CERTIFICATE.

10) US GOVT SIPC APPEARED AS WELL AS THE MANAGER OF THE WACHOVIA OFFICE FROM HYANNIS. THERE WAS NO EFFECTIVE RESOLUTION OF THIS @ NANTUCKET, THE MAGISTRATE JUDGE RULING THAT SHE DID NOT HAVE JURISDICTION OVER WACHOVIA, DESPITE WACHOVIA HAVING SOME \$20 MILLION IN MORTGAGES ON NANTUCKET AS THEY HAD NO BRICKS AND MORTAR BRANCH OFFICE.

11) IN EARLY 2008 I HAPPENED TO SEE THE VICE CHAIRMAN OF THE DEBTOR ON TV AND WROTE TO HIM. Ex 1.

IN FEB OF 2008 I DISCOVERED THAT THE DEBTOR HAD REMITTED MONEY ON MY BEHALF TO ALBANY. Ex 2

NEEDLESS TO SAY I WAS KEEN ON LEHMAN'S BUSINESS AND RECALL EVEN DISCUSSING THIS WITH A REPORTER FROM FORBES. I HAPPENED TO SEE THE APRIL 2008 BLURB IN BUSINESS WEEK. Ex 3

IN APRIL, 2008 I WROTE TO WEIL WITH REGARDS TO A
ANOTHER BANKRUPTCY MATTER EXPRESSING MY DESIRE
TO SETTLE THIS TO HAVE MORE TIME TO GET LEHMAN TO
RELEASE THE GRAND UNION ESCROW. Ex 4,5

AS ALREADY MADE KNOWN TO THE COURT, AFFIANT WAS
IN THE PROCESS OF INSTITUTING PROCEEDINGS IN NEW
YORK STATE SUPREME COURT WHEN EVENTS OVERTOOK
AND FORCED LEHMAN INTO BANKRUPTCY.

FURTHER AFFIANT SAYETH NAUGHT

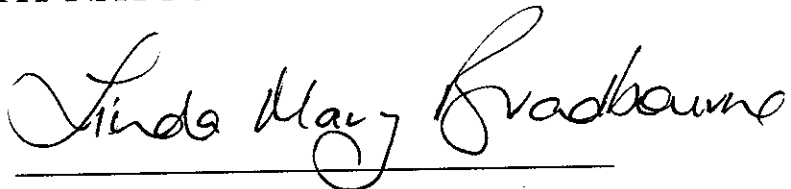
WILLIAM KUNTZ, III



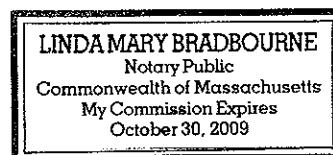
SWORN TO BEFORE ME A NOTARY PUBLIC ON THIS THE

3RD OF OCT, 2008 AT NATUCKET

(SEAL)



NOTARY





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GRAND UNION FILES SECOND AMENDED CHAPTER 11 PLA N

WAYNE, N.J. --April 19, 1995 --The Grand Union Company

announced today that it has filed its Second Am ended Chapter 11 Plan and corresponding Disclosure Statement.

The amended Plan incorporates a settlement wi th, among others, the official creditors committee of Grand Union's parent, Gr and Union Capital Corporation (GUCC).

The settlement provides, among other things, for two series of warrants to be issued under the Plan to holders of GUCC Zer o Coupon notes. Both series of warrants will have a term of five years from th e effective date of the Plan. Series 1 warrants will consist of 300,000 warra nts having an exercise price of \$30 per share of new common stock. Series 2 wa rrans will consist of 600,000 warrants having an exercise price of \$42 per sh are of new common stock. Ten million shares of new common stock will be issu ed under the Plan. The Plan allocates 80% of the warrants to the holders of the Senior Zero Coupon Notes and 20% of the warrants to the holders of Senio r Subordinated Zero Coupon Notes.

Grand Union also announced that it has propos ed that the previously scheduled May 18, 1995, confirmation hearing be rescheduled for May 31, 1995, to accommodate the Bankruptcy Court's notice re quirements. A Grand union spokesman said "We are pleased that we have bee n able to reach agreement with the principal parties affected by Grand Union's restructuring consistent with the accelerated timetable established at the co mmencement of the Chapter 11 case."

CONTACT: The Grand Union Co.,
Donald C. Vaillancourt, 201/890 -6100

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Et A

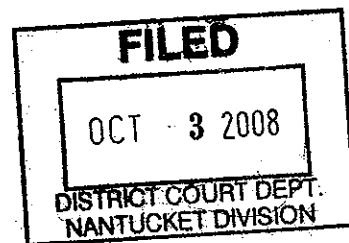
STATE of MASS
County of NANTUCKET
DISTRICT COURT

William Kuntz ^{III}
-VS- Plaintiff

2006 88 SC 101

WAZITONIA & SIPC
Defendants

Please Docket the
Attacker



E+B

YAHOO! MAIL
Classic

Print - Close Window

Date: Fri, 25 Jan 2008 09:17:34 -0800 (PST)
From: "william kuntz" <kuntzwm1@yahoo.com>
Subject: LEHMAN BROTHERS, 745 5th Ave, NYC, NY 10017
To: kuntzwm1@yahoo.com

E-Letter

Dear Sir:

I happened to watch your interview on the TV the other day.

I am writing to ask that LEHMAN return to me, money which is rightfully mine from the Grand Union collapse. I am of the understanding that LEHMAN Commercial Paper pocketed a certain cash escrow fund which was established in 1995 in the first Grand Union Ch 11 and of which LEHMAN, as I recall, was not even a party. I would ask that you look into this and enclose a recent letter from the SEC.

I thank you in advance,

William Kuntz, III
kuntzwm1@yahoo.com
Nantucket Island, Ma

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New York State
Office of the State ComptrollerThomas P. DiNapoli
State Comptroller

Office of Unclaimed Funds

Claim Form

Part I. Account Information

Name: KUNTZ WILLIAM A	Address: BOX 461, LAKE PLACID, NY 12946
Account #: 033073395/027130763	Reported By: LEHMAN BROTHERS HOLDINGS INC

Part II. Claimant Information (Please print or type the following information)

Your Full Name: Kuntz
 Last Name: Kuntz First Name: William MI: 01248
 Current Address: 725 M. Street Farm Rd Hopkinton, Mass
 Street Address (Include Apt. #) City State Zip
 E-Mail Address: Telephone:

If you are **not** currently residing at the address shown in Part I. Account Information, but once lived at that address, provide the following information about that address:

Check One ☐ Owned Home ☒ Rented Occupancy Dates: PO Box Rented

If your name is different from the name shown in Part I. Account Information, please explain why:

Check One ☐ Marriage/Divorce ☐ Owner is Deceased ☐ Other Please explain:

NOTE: If the property being claimed or any additional property identified by OUF in its claim review is a security (stock) valued at less than \$5,000, OUF will pay the cash value unless the owner initials the box below:

I prefer to receive actual securities if available, rather than cash value. I realize this will require additional time to process my claim and that a fee may be charged to me by a broker in the future, should I wish to sell my securities. I also realize that any security transaction may have tax consequences.

I hereby make claim for the above referenced funds held by the NYS Office of Unclaimed Funds. I hold the NYS Comptroller harmless from any loss due to the payment of this claim. I attest to the fact that I, or the deceased owner, used the address shown in Part I. Account Information. Under penalty of perjury, I certify that the information I provided on this form is correct.

Sworn to me this _____ day of _____, 20__

(Claimant's Signature)

(Claimant's SS#)

(Notary Public)

To claim this account, you must:

- ✓ Sign the form and have your signature notarized by a licensed notary public.
- ✓ Mail claim form to: Unclaimed Funds, Office of the State Comptroller, 110 State St, Albany, NY 12236

If you need additional assistance, please visit our web site at www.osc.state.ny.us or call our Communication Center at 800-221-9311. Our mailing address is Unclaimed Funds, Office of the State Comptroller, 110 State Street, Albany, NY 12236.

The New York State Comptroller's Office has access to Federal, State, and local databases to verify reported information. All claims are subject to audit. Any person knowingly submitting a fraudulent claim will be subject to ALL LEGAL PENALTIES.

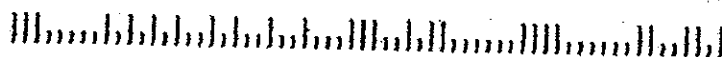
Personal Privacy Protection Law: In accordance with the Personal Privacy Protection Law, you are advised that the information requested is necessary to determine entitlement to certain unclaimed funds held by the New York State Comptroller. Failure to provide this information may result in denial of the claim. This information will be retained by the Director of Services, Office of Unclaimed Funds, 110 State Street, Albany, NY 12236.

<http://www1.osc.state.ny.us/ouf/oufClaimFormSmall.cfm>

2/9/2008

015 NEE 1 308C 00 05/20/08
 NOTIFY SENDER OF NEW ADDRESS
 KUNTZ WILLIAM
 PO BOX 1801
 NANTUCKET MA 02554-1801

BC: 02554180101 *1459-10141-20-38



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LEHMAN BROTHERS

—Publishers Weekly, starred review



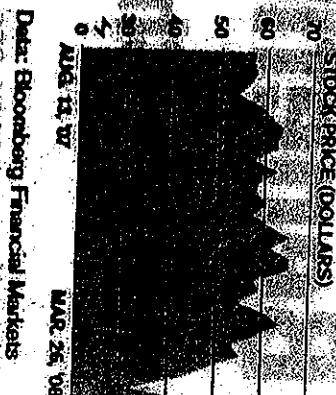
Beacon Press

Available from bookstores and from www.beacon.org.

Don't Be Leery Of Lehman

What now, Lehman? Just before the Fed and JPMorgan Chase bailed out Bear Stearns on Mar. 17, the Street feared Lehman Brothers (LH) was next to go under. So it crashed to 31 a share on Mar. 17, down from 42.62 two days before. But it quickly recovered, to 46, on Mar. 18 when the rescue was reported. Most shell-shocked investors are still leery, but some pros believe Lehman, which hit 82 in June, is a buy. "The fears surrounding the firm's funding and liquidity position have been overstated," says William Tanona of Goldman Sachs (which has done business with Lehman). His 12-month target: 58. So it still

BOUNCING BACK



offers "an attractive entry point," he says. Richard Bove of Punk Ziegel also rates Lehman a buy. "Lehman's management, led by Richard Fuld, is the best in the business," says Bove.

Unless otherwise noted, neither the sources cited in Inside Wall Street nor their firms hold positions in the stocks under discussion. Similarly, they have no investment banking or other financial relationships with them.

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WEIL, GOTSHAL & MANGES LLP

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FAX: (212) 310-8007

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SHAI Y. WAISMAN
DIRECT LINE (212) 310-8274
E-MAIL: shai.waisman@weil.com

December 19, 2007

BY FEDERAL EXPRESS

Hon. Deborah A. Batts
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2510
New York, New York 10007

Re: In re Silicon Graphics, Inc. et al., Reorganized Debtors (06-bk-10977 (BRL);
William Kuntz, III v. Silicon Graphics, Inc. et al., 1:07-cv-07698 (DAB)

Dear Judge Batts:

We are the attorneys for Silicon Graphics, Inc. ("Silicon Graphics") in the above-captioned appeal from a memorandum decision and order of the Bankruptcy Court pending before your Honor. On November 1, 2007, William Kuntz, III (the "Appellant") filed his opening brief and on November 19, 2007 Silicon Graphics filed its response brief. It now appears briefing is complete given that Appellant's time to file a reply brief expired on December 6, 2007. Accordingly, we are writing to request a hearing date for oral argument in the above appeal.

Respectfully submitted,


Shai Y. Waisman

SYW/jwl

cc: William Kuntz, III (via Federal Express)

Et 4

April 1, 2008

Attorney John Lucas
W,G&M 767 5th Ave NYC NY 10153

Re: SGI Appeal

Dear Sir:

In light of the ongoing turmoil in the world of Wall Street and the Collapse of the Debtor's Stock and the prospect of a change in Management in SGI I would like to propose a settlement of

While I know that your firm would rather slug it out and get nice fee's for easy work, I would like to concentrate on my concerns over Lehman where I have a lot more at stake and a much stronger claim in the way of a constructive trust upon the Escrow they pocketed from the Grand Union III CH 11.

I thank you in advance,

William Kuntz, III
India Street, PO Box 1801
Nantucket, Mass 02554-1801

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GRAND UNION: Completes Capital Restructuring

The Grand Union Company announced today that it has completed its previously announced capital restructuring and successfully emerged from its voluntary, prepackaged reorganization.

The company also announced that it has closed on its new \$300 million credit facility underwritten by UBS AG, Stamford Branch and Lehman Commercial Paper Inc.

"The successful completion of our capital restructuring paves the way for an exciting future for Grand Union," said J. Wayne Harris, Chairman of the Board and Chief Executive Officer. "By eliminating approximately \$600 million in debt, our company now has the opportunity and financial strength to become a much stronger, more effective competitor.

"Grand Union now has a vastly improved financial structure, an experienced and creative management team and a solid business plan focused on building sales, profits and shareholder value. Our plan includes substantial investment in new store development, the remodeling of existing stores, new technologies to increase efficiency and improve customer service, and merchandising programs designed to make Grand Union one of the premier food retailers in the Northeast."

Grand Union's Plan of Reorganization was confirmed by the U.S. Bankruptcy Court in Newark, N.J., on August 5, following overwhelming support from the company's Senior Noteholders and Preferred Stockholders in a consent solicitation completed on June 22, 1998.

Pursuant to the company's Plan of Reorganization, Grand Union's Old Senior Notes, Old Preferred Stock, Old Common Stock and Old Series 1 and Series 2 Warrants have been cancelled. Holders of Old Senior Notes, Old Preferred Stock and Old Common Stock will receive information explaining the process by which they may tender their Old Senior Notes for New Common Stock and their Old Preferred Stock and Old Common Stock for New Warrants. The company's New Common Stock, under the symbol GUCOV, and new warrants, under the symbol GUCLV, will commence trading on the OTC Market on a "when, as and if issued" basis. Grand Union's Old Common Stock, which had traded under the symbol GUCO, will cease trading on the OTC Bulletin Board as of the close of the market today, Aug. 17, 1998. The company has a pending application for listing of the New Common Stock on the NASDAQ National Market.

Grand Union currently operates 222 retail food stores in six Northeastern states.

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